

ATRT2 Recommendation 9 Implementation

Decision-Making, Transparency and Appeals Processes

31 March 2016

Implementation Timeline



July 2016
Recommendation
Operationalized

Recommendation 9 Implementation Description

Recommendation 9 includes recommendations of commitments of how ICANN will consider Advisory Committee advice, a requirement that ICANN initiates another review of its Accountability Mechanisms, that ICANN convene a review of the role of the Office of the Ombudsman, as well as commissioning a review of the Anonymous Hotline to assure that it meets with best practices. The Recommendation also specifies areas that ICANN should regularly report on regarding transparency.

Status of Deliverables

	Responsible	Re-plan Date	Original Due Date
9.1 Bylaws Amendment Regarding Advisory Committee Advice	Staff	July 2016	October 2015
9.2 Review Accountability Mechanisms	Community (CCWG)	Not applicable (n/a)	March 2016
9.3 Review Ombudsman Role	Staff	June 2016	March 2016
9.4 Develop Transparency Metrics and Reporting	Staff	April 2016	December 2015
9.5 Review Anonymous Hotline	Staff	✓	November 2015



Complete
Planned/In Process
Behind schedule, expected to recover within original plan
Behind schedule, original plan to be adjusted

ATRT2 Recommendation 9.1 Implementation

Bylaws Amendment Regarding Advisory Committee Advice

31 March 2016

9.1 Implementation Timeline



July 2016
Operationalized

Status of Deliverables

	Responsible	Re-plan Date	Original Due Date
Community consultation to develop Bylaws amendments, including issues of workflow and definitions	Staff	No Longer Applicable	June 2015
Bylaws amendments provided to Board to approve public comment posting	Staff	✓	July 2015
Open public comment on Bylaws amendments	Staff	✓	August 2015
Board approval of Bylaws amendments	Board	July 2016	October 2015

9.1 Subproject Description

The 9.1 subproject implementation focus is on the proposed Bylaws change recommended by the ATRT2 to impose a requirement on the ICANN Board to acknowledge advice arising from any of ICANN's Advisory Committees.



Complete
Planned/In Process
Behind schedule, expected to recover within original plan
Behind schedule, original plan to be adjusted

ATRT2 Recommendation 9.1 Implementation

Bylaws Amendment Regarding Advisory Committee Advice

31 March 2016

Recent Update: The proposed Bylaws text has been incorporated into the Draft New ICANN Bylaws, posted for public comment and to be voted on by the Board by the end of May 2016.

Project Status

The proposed Bylaws text has been incorporated into the Draft New ICANN Bylaws that were posted for public comment on 21 April 2016 (at <https://www.icann.org/public-comments/draft-new-bylaws-2016-04-21-en>). The Board is anticipated to vote on the public comment by the end of May 2016. While the final Bylaws language has not been formally approved yet, ICANN has made significant strides in assuring that the advice from all Advisory Committees is acknowledged and tracked. There has been significant effort into the development of an AC advice tracking tool, which will house a listing of all advice received, when it was acknowledged by the Board, and also provide tracking information so that it is easy for all in the community to access what ICANN did with that advice once it was transmitted. ICANN's commitment to developing this tool serves as a concrete commitment to not just saying that ICANN will acknowledge advice, but also putting into practice how advice will be tracked. The completion of the Bylaws amendment would just be final capstone in making this work an obligation of the organization.

The Cross Community Working Group on Enhancing ICANN Accountability identified the language recommended for inclusion in the Bylaws through this Recommendation 9.1 as language that should be adopted as part of the Bylaws necessary to be in place for the transition of the stewardship of the IANA functions. The timeline for those Bylaws amendments to be completed is tracking to the timeline for all Bylaws changes necessary for the transition, which are now anticipated for completion prior to July 2016. The CCWG-Accountability proposal was provided to Chartering Organizations for consideration on 23 February 2016. <https://community.icann.org/x/8w2AAw>, and the Board submitted the proposal to NTIA on 10 March 2016.

The former Board Advice tool, currently on icann.org, will be phased out. We are in the process of finalizing the development of a new back-end tool for staff to process and implement Board Advice. Once this new tool is implemented, we will remove the Board Advice page currently on icann.org. There will be a new outward facing page on icann.org that will provide a searchable database of Board Advice cases, populated with data from the new tool. The new tool has been developed on the Salesforce.com platform. We are currently testing it by processing pilot cases of actual Board Advice from ICANN's various Advisory Committees. Once we are through this Pilot phase, planned for completion by no later than June 2016, we will launch the system for broader use. The system will, at that time, also include legacy cases of advice received prior to development of the new system. The inclusion of the legacy advice will allow reporting out of the new system to include information on legacy advice cases in addition to new ones added going forward.

Implementation Notes

In advance of Bylaws being formally adopted, the Board has been actively committed to maintaining a comprehensive advice register (currently at <https://features.icann.org/board-advice>) that for all Advisory Committee Recommendations, and to follow a formal process to confirm that advice is considered and tracked. This tool is being refined, and is a key part of the operationalizing of this recommendation. The advice register will track how advice is acknowledged and acted upon.

ATRT2 Recommendation 9.2 Implementation

Review Accountability Mechanisms

Recommendation fully implemented as of 31 March 2016

9.2 Implementation Timeline



March 2016
Operationalized

Status of Deliverables

	Responsible	Due Date
Confirm that CCWG-Accountability is reviewing the Independent Review and Reconsideration Processes as part of their work.	Community (CCWG)	✓
Continue regular monitoring of CCWG-Accountability work to confirm that 9.2 is still addressed within their work	Staff	✓
Assess outcomes of CCWG-Accountability work to confirm if further work is needed to meet 9.2	Staff/ Community	✓

9.2 Subproject Description

The 9.2 subproject implementation focus is to review ICANN's existing accountability mechanisms through a community-comprised group.



Complete
Planned/In Process
Behind schedule, expected to recover within original plan
Behind schedule, original plan to be adjusted

ATRT2 Recommendation 9.2 Implementation

Review Accountability Mechanisms

Recommendation fully implemented as of 31 March 2016

Recent Update: This recommendation was fully implemented as of 31 March 2016.

Project Status

The Cross Community Working Group (CCWG) Accountability work is addressing reviews of the Independent Review and Reconsideration Processes. Prior to moving forward with the composition of a separate community group, it is important to allow the CCWG work to move forward. If it is determined – through consultation with the CCWG – that the work called for in Rec. 9.2 is not being fulfilled by the CCWG, then ICANN will need to move forward with a separate implementation plan. ICANN will maintain regular dialogue with the CCWG to confirm that work is progressing toward this recommendation.

Implementation Notes

This work will be closely coordinated with the CCWG work. The CCWG work can be followed at <https://community.icann.org/display/acctcrosscomm/CCWG+on+Enhancing+ICANN+Accountability>

ATRT2 Recommendation 9.3 Implementation

Review Ombudsman Role

31 March 2016

9.3 Implementation Timeline



June 2016
Operationalized

Status of Deliverables

	Responsible	Re-plan Date	Original Due Date
Identify expert to review current Office of Ombudsman structure and consider modification of role	Staff	On hold pending CCWG	October 2015
Expert review completed, and results socialized with the Board and Community	Staff	On hold pending CCWG	October 2015
Bylaw changes (if needed) posted for public comment	Staff (dependent on Board approval)	On hold pending CCWG	January 2015
If extensive modifications identified, allow for further community discussions at an ICANN public meeting after sufficient time to consider recommendations.	Community	On hold pending CCWG	March 2016
Board Approval of Bylaws changes	Staff	On hold pending CCWG	June 2016

9.3 Subproject Description

The 9.3 subproject is for the implementation of a review of the Office of the Ombudsman, the role within ICANN, and whether the duties/scope of the Ombudsman should be expanded or changed in line with suggestions from the ATRT2.



Complete

Planned/In Process

Behind schedule, expected to recover within original plan

Behind schedule, original plan to be adjusted

ATRT2 Recommendation 9.3 Implementation

Review Ombudsman

31 March 2016

Recent Update: Implementation on hold pending CCWG.

Project Status

An expert was expected to be retained and to perform a review of the Office of the Ombudsman by June 2015, with work expected to be completed by October 2015. Because of the unique nature of the Ombudsman role within ICANN, there have been challenges in identifying a proper independent expert to undertake this review.

As ICANN was conducting a search for this review, work continued in the Cross Community Working Group on Enhancing ICANN Accountability on modifying the role of the Ombudsman. In addition to the changes to the Ombudsman role that are already proposed in the CCWG-Accountability proposal sent to Chartering Organizations on 23 February 2016 (<https://community.icann.org/x/8w2AAw>), the CCWG-Accountability also noted that it will do a broader review of the Ombudsman role in its Work Stream 2 efforts that are under development now and anticipated to conclude mid-year in 2017.

To avoid a duplication of effort, the review of the Ombudsman role should be aligned with the community considerations of the different types of work that the community wishes for the Ombudsman to perform. Assessing the current role of the Ombudsman as considered in the ATRT2 recommendation as a separate effort seems counter to the community work ongoing. ICANN will support the CCWG WS2 efforts to align with the spirit of this ATRT2 recommendation.

Implementation Notes

As the CCWG work evolves to consider the role of the Ombudsman, implementation of this recommendation and the running of the review will closely align with the CCWG as necessary.

ATRT2 Recommendation 9.4 Implementation

Develop Transparency Metrics and Reporting

31 March 2016

9.4 Implementation Timeline



April 2016
Operationalized

9.4 Subproject Description

The 9.4 subproject implementation focuses on developing a full set of statistical data that will be published annually with each Fiscal Year Annual Report.

Status of Deliverables

	Responsible	Due Date
Publish initial transparency statistics in FY14 Annual Report	Staff	✓
Develop more fulsome set of statistics for FY15 and operationalize full set of statistics for annual reporting	Staff	July 2016



Complete
Planned/In Process
Behind schedule, expected to recover within original plan
Behind schedule, original plan to be adjusted

ATRT2 Recommendation 9.4 Implementation

Develop Transparency Metrics and Reporting

31 March 2016

Recent Update: Metrics supporting transparency are published in various places on icann.org. Staff to develop Annual Transparency Report to collect metrics in one centralized location. This work is aligned with the Performance Metrics and Key Performance Indicators in the process of being refined across ICANN (see [Dashboard](#)). The strategic objective that is closely aligned with transparency reporting is 5.2, which states that “ICANN will promote ethics, transparency and accountability across ICANN.” Cross-functional effort is currently underway refine reporting of activities and measures supporting this goal - for staff, Board and Community.

Project Status

As the ATRT2 Final Report was approved at the end of FY14, the full component of statistics recommended for tracking within the recommendation was not operationalized for that year. ICANN published an initial set of transparency statistics in its 2014 Annual Report, available at <https://www.icann.org/en/system/files/files/annual-report-2014-en.pdf>. Work is already underway to track statistics on a broader basis for future annual reports that will be more specifically focused on transparency efforts.

There are also other reports already in existence that help meet the recommendation, such as the annual report on the usage of ICANN’s accountability mechanisms that is published every year on the Board Governance Committee page following ICANN’s Annual General Meeting. https://www.icann.org/resources/pages/annual-reports-2012-02-25-en?routing_type=path#reconsideration-requests

Once this full set of data is identified and cross functionally reviewed it will be published. Given planned changes to the ICANN annual report, we are in the process of developing a report dedicated more fully to accountability and transparency benchmarks and tracking, and plan to have a first report available in April 2016, to be developed and established as a standard operating procedure.

Implementation Notes

The first set of reports will focus on the DIDP statistics and the use of ICANN’s Anonymous Hotline, as the tracking of those items is already underway. There are also other reports already in existence that help meet the recommendation, such as the annual report on the usage of ICANN’s accountability mechanisms that is published every year on the Board Governance Committee page following ICANN’s Annual General Meeting. https://www.icann.org/resources/pages/annual-reports-2012-02-25-en?routing_type=path#reconsideration-requests.

ATRT2 Recommendation 9.5 Implementation

Review Anonymous Hotline

31 March 2016

9.5 Implementation Timeline



February 2016
Operationalized

9.5 Subproject Description

The 9.5 subproject implementation will conduct a review of the Anonymous Hotline policy and processes, implement any proposed modifications to policy and publish a report on results to the community.

Status of Deliverables

	Responsible	Re-plan Date	Original Due Date
Identify expert to review existing policy and processes	Staff	✓	✓
Expert report completed	Staff	✓	✓
Complete implementation of modifications to policy	Staff	June 2016	December 2015
Publish report to community	Staff	May 2016	December 2015



Complete

Planned/In Process

Behind schedule, expected to recover within original plan

Behind schedule, original plan to be adjusted

ATRT2 Recommendation 9.5 Implementation

Review Anonymous Hotline

31 March 2016

Recent Update: From December 2015 to January 2016, an expert conducted a review of the Anonymous Hotline policy, its processes, and proposed recommendations and modifications to the policy.

ICANN is in the midst of coordinating internally across relevant departments to implement the policy changes accordingly, as well as to publish the results of the report to the community.

Project Status

An expert has been identified and contracted and the initial work was completed in December 2015. The report was finalized in January 2016, and ICANN is coordinating internally across appropriate departments to implement the policy changes. Subject to and upon confirmation from the relevant internal departments with ICANN that the recommendations and modifications proposed by the expert are feasible, ICANN will publish the results of the report publicly.

Implementation Notes

None.